

VIRGINIA:

At a regular meeting of the King George County Board of Supervisors, held on Tuesday, the 19th day of December 2006, at 6:30 p.m. in the King George County Courthouse, Court Room #2, 9483 Kings Highway, King George, Virginia:

PRESENT: C. Stephen Wolfe II, Chairman
Dale W. Sisson, Jr., Vice-Chairman
Cedell Brooks, Jr., Member
Joseph W. Grzeika, Member
James B. Howard, Member
R. Bryan David, County Administrator
Matthew J. Britton, County Attorney

The meeting was called to order by the Chairman, Mr. Wolfe.

Public Comment:

The Chairman opened the floor for public comment.

Mr. David Jones, 5415 Winston Place, provided an update on the progress of the Dahlgren Railroad Heritage Trail project and also distributed copies of the George Washington Regional Commission's Biking and Pedestrian Committee report. Mr. Jones voiced his support for a raise in salary for the Board of Supervisors.

Mr. Jimmy Franklin, 6110 Third Street, Fairview Beach, spoke in support of the golf cart ordinance and use of golf carts in Fairview Beach.

Ms. Doris Whitfield, 6119 Fairview Drive, Fairview Beach, spoke in support of the golf cart ordinance and the use of golf carts in Fairview Beach and requested the Board give favorable consideration to adopting the proposed ordinance. Ms. Whitfield also provided information to the Board regarding the Northern Neck Land Conservancy, its mission and purpose. Ms. Whitfield voiced her support of proposed changes to the cluster zoning ordinance.

There being no further public comment, the Chairman closed that portion of the meeting.

Reports of Members of the Board:

Mr. Grzeika

Mr. Grzeika reported on this recent attendance at the Fredericksburg Regional Chamber of Commerce's Legislative Day as well as the Military Affairs Committee Board of Directors meeting with Chairman Wolfe and submitted, for the Board's consideration, a resolution in support of locating the Asymmetric Warfare Group Headquarters at Fort A.P. Hill

On a motion by Mr. Grzeika, seconded by Mr. Sisson, and carried unanimously, each member voting as follows: Mr. Wolfe Aye; Mr. Sisson Aye; Mr. Brooks Aye; Mr. Grzeika Aye; and Mr. Howard Aye, the King George County Board of Supervisors adopted the following resolution:

RESOLUTION

In Support of Locating the Asymmetric Warfare Group Headquarters at Fort A.P. Hill

Whereas, Fort A.P. Hill encompasses almost 77,000 acres of neighboring Caroline County; and,

Whereas, Fort A.P. Hill is one of the premiere training facilities in the United States for the Army and is used by other armed services and Federal Agencies such as the ATF; and,

Whereas, the mission and training opportunities at Fort A.P. Hill have expanded over the years and will continue to expand as a result of BRAC decisions and other reasons; and,

Whereas, as the home of the US Navy base at Dahlgren, King George County appreciates and strongly supports the role our nation's military plays in our local community and the region as a whole; and,

Whereas, personnel from the Asymmetric Warfare Group will be training at Fort A.P. Hill; and,

Whereas, consideration is being given to having the Headquarters functions of the Asymmetric Warfare Group assigned to an installation such as Fort Meade, Maryland, which is located many miles from Fort A.P. Hill and the personnel being trained there; and

Whereas, the separation of Headquarters functions and personnel training functions creates the potential for ineffective, inefficient, and counterproductive command and control situations, among other negative impacts upon the effective training of military personnel; and,

Whereas, King George County and the broader region of which Caroline County and the Town of Bowling Green are a part, offer all the services, facilities, and functions sought by Armed Services personnel, thereby rendering the separation of Headquarters and training facilities needless;

NOW THEREFORE BE IT RESOLVED BY THE KING GEORGE COUNTY BOARD OF SUPERVISORS, THAT THE FOLLOWING REQUESTS BE FORWARDED TO THE APPROPRIATE MILITARY AND CIVILIAN AGENCIES AND PERSONNEL:

1. That all military and civilian administrative personnel designated to be involved in the decision regarding the location of the Headquarters function of the Asymmetric Warfare Group, give additional extensive consideration to locating such functions at Fort A.P. Hill; and,
2. That such consideration involve direct contact with the leadership of each of the localities surrounding and nearby Fort A.P. Hill in order to receive accurate and current information about our region; and,
3. That representatives of all of the localities in region surrounding Fort A.P. Hill be given the opportunity to directly provide to Federal decision makers the assets, advantages, and benefits our region can provide to all personnel by locating such Headquarters functions at Fort A.P. Hill.

Mr. Grzeika extended this thanks to staff for coordinating the employees' Christmas luncheon and extended his thanks and appreciation to the County employees for their dedication and hard work.

Mr. Sisson

Mr. Sisson reported on his recent attendance at the Harry Nice Bridge Focus Group meeting on December 5th hosted by the Maryland Transportation Authority. The next Focus Group meeting will be held in January and Mr. Sisson has volunteered King George to host that meeting.

Mr. Howard

Mr. Howard acknowledged the end of another successful year in which he felt the County has made significant progress both at the County level and in the region and cited the reorganization within the George Washington Regional Commission. Mr. Howard extended his thanks to those who coordinated the County Employee Holiday Luncheon and recognized County employees for their dedicated service.

Mr. Brooks

Mr. Brooks expressed his thanks to those citizens who have recently contacted him in support of a suggested pay raise for Board members. He also inquired about the NACo Prescription Drug Card program and stated that he had received several inquiries from County residents regarding the availability of the card. This item will be discussed on the agenda later in the meeting. Mr. Brooks echoed his colleagues' remarks about the Employees' Holiday Luncheon and extended his thanks to those who coordinated the event and to the County employees for their dedication and leadership.

Mr. Wolfe

Mr. Wolfe extended his thanks to Mr. Grzeika for presenting the Resolution in support of A.P. Hill and read a statement highlighting the County wide milestones during 2006, including a new high school under construction, YMCA facility for the County, merging of fire and rescue volunteer squads, commencement of design of the new government center, establishment of the King George County Wireless Authority, new fire and rescue quarters, adoption of a new, revised Comprehensive Plan, completion of County-wide reassessment, and the outstanding response and recovery efforts of the responders and County leadership during and after the recent Courthouse fire; completion of the Dahlgren, Oakland Park and Fairview Beach WWTP's, expansion of Smoot Library, the transfer of the Gateway Welcome Center to the State, beginning dialogue for work on the Harry Nice Bridge, completion of Phase I of Project Faith, and completion of Peppermill Creek Bridge Project.

12-16—Consent Agenda:

On a motion by Mr. Sisson, seconded by Mr. Howard, and carried unanimously, each member voting as follows: Mr. Wolfe Aye; Mr. Sisson Aye; Mr. Brooks Aye; Mr. Grzeika Aye; and Mr. Howard Aye, the King George County Board of Supervisors approved the Consent Agenda, as presented, which included the following:

Authorized the issuance of warrants against the FY06-07 E911 in the total amount of \$314.81.

Authorized the issuance of warrants against the FY06-07 General Fund in the total amount of \$77,385.62.

Authorized the issuance of warrants against the FY06-07 Library Fund in the total amount of \$7,730.12.

Authorized the issuance of warrants against the FY06-07 Recreation Activity Fund in the total amount of \$2,402.13

Verified warrants issued for services to avoid late fees or disruption of service

Adoption of Resolution requesting VDOT to take roads into the Secondary System within the Cleveland Manor Subdivision

Approval of Minutes for July and August 2006

Timed Items:

12-17—Project Faith Update

Ms. Fronce Wardlaw, Executive Director for Project Faith, Inc., provided an update on the status of the Project Faith development and extended thanks and appreciation to the Board for their support during this process.

12-18—Consideration of Concurrence Resolution for Issuance of Bonds for Rappahannock Area YMCA, Inc.

Mr. Hart Lee, Bond Counsel for the Rappahannock Area YMCA, Inc. and Mr. Barney Reiley, Executive Director of the Rappahannock Area YMCA, Inc. presented information to the Board explaining that the Rappahannock Area YMCA, Inc., plans to secure revenue bond financing in the amount of \$10M by the Middlesex County Industrial Development Authority. Proceeds from this financing would be applied to the King George YMCA.

The King George County Economic Development Authority conducted a public hearing on the request at its regular meeting on December 14th. During the public hearing, the YMCA's bond counsel advised that financing from the Orange County Economic Development Authority was not being pursued at this time. He further advised that this change did not affect the advertisement for the public hearing and the Resolutions distributed to the King George County Economic Development Authority reflected this change. No one spoke in opposition to the matter during the public hearing.

The King George County Economic Development Authority voted unanimously to recommend to the Board of Supervisors that the concurrence resolution be adopted as requested by the YMCA. Mr. Wolfe stated that he had reviewed the document and requested some changes regarding liability of the County, clarifying that the Bond is not a debt of King George County. Those amendments were made and included in the document presented for consideration by the Board.

On a motion by Mr. Sisson, seconded by Mr. Howard, and carried unanimously, each member voting as follows: Mr. Wolfe Aye; Mr. Sisson Aye; Mr. Brooks Aye; Mr. Grzeika Aye; and Mr. Howard Aye, the King George County Board of Supervisors adopted the concurrence resolution as discussed with the amended wording as provided by Mr. Wolfe.

12-19—Public Hearings

Proposed Ordinance Entitled Article II, Vehicle License Tax Ordinance

The Chairman called the public hearing to order, having been properly advertised, and asked the County Administrator for a brief staff report.

Mr. David explained that at its meeting on April 4, 2006, the Board of Supervisors authorized staff to proceed with eliminating the distribution of motor vehicle decals for the Tax Year 2007. An integral component to eliminate the motor vehicle decal is to amend Chapter 9 – Article II (Vehicle License Ordinance) of the King George County Code. A draft ordinance was then distributed to the Board of Supervisors at its meeting on November 7th and the Board authorized a public hearing on the ordinance at its meeting on November 28th.

Subsequent to the Board of Supervisors' meeting on November 28th, Mr. David received a citizen inquiry as to how the proposed ordinance would apply to unregistered farm vehicles. Essentially, farm use vehicles that are not registered with the Division of Motor Vehicles are not charged the County's local vehicle license tax, while registered farm use vehicles are charged this tax.

Mr. David stated that he, along with the County Attorney and the Treasurer have researched the question and determined that the ordinance as drafted continues the status quo: Unregistered farm vehicles will not be charged the County's local vehicle license tax while registered farm use vehicles will be charged the tax. It is agreed that the County's ordinance, and by extension, the State enabling statutes, are not clear on this point. The County Attorney prepared additional language for the ordinance which will clarify that if a vehicle is exempt from registering with the Division of Motor Vehicles, and paying the State's motor vehicle license tax, then such vehicle will be treated the same under the County's motor vehicle license tax ordinance. This clarification can be amended into the ordinance at the time the Board adopts the ordinance. This amendment is for clarification purposes and does not make the ordinance any more restrictive, and thereby, another public hearing is not required.

The Chairman opened the floor for public comment. There being none, the Chairman closed that portion of the public hearing.

On a motion by Mr. Sisson, seconded by Mr. Howard, and carried unanimously, each member voting as follows: Mr. Wolfe Aye; Mr. Sisson Aye; Mr. Brooks Aye; Mr. Grzeika Aye; and Mr. Howard Aye, the King George County Board of Supervisors adopted the proposed ordinance entitled Article II, Vehicle License Tax Ordinance, as presented.

Proposed E-911 Ordinance and Adoption of Guidelines for Naming of Roads, Addressing of Structures, and Management of County Signs

The Chairman called the public hearing to order, having been properly advertised, and asked Mr. Green for brief staff report.

Mr. Green explained that at the Board of Supervisors' November 7, 2006 meeting, the Department of Community Development presented a proposed E-911 Ordinance and E-911 Guidelines. In its review, the Board requested that Staff reduce the violation penalty from a misdemeanor to civil penalty and that modification has been made.

Mr. Kyle Conboy, GIS Coordinator, explained that the existing E-911 Ordinance (1993) was short on standards and guidelines, leaving the County Administrator's agent to oversee road

naming and assignment of address numbers. Recent growth has brought attention to the lack of supporting documentation concerning standards and guidelines, which has created a lack of efficiency and understanding among both citizens and staff.

Mr. Kyle Conboy further explained that the proposed documents were drafted after reviewing ordinances from Albemarle, Stafford, and Rockbridge counties. The proposed changes should help citizens, staff, and emergency response personnel realize the ultimate goal of providing the best and most efficient emergency response possible.

The Chairman opened the floor for public comment. There being none, the Chairman closed that portion of the public hearing.

On a motion by Mr. Grzeika, seconded by Mr. Howard, and carried unanimously, each member voting as follows: Mr. Wolfe Aye; Mr. Sisson Aye; Mr. Brooks Aye; Mr. Grzeika Aye; and Mr. Howard Aye, the King George County Board of Supervisors adopted the proposed E-911 Ordinance as presented.

On a motion by Mr. Grzeika, seconded by Mr. Howard, and carried unanimously, each member voting as follows: Mr. Wolfe Aye; Mr. Sisson Aye; Mr. Brooks Aye; Mr. Grzeika Aye; and Mr. Howard Aye, the King George County Board of Supervisors approved the Guidelines for Naming of Roads, Addressing of Structures, and Management of County Signs and to the extent practical, the Guidelines shall be used to carry out the Ordinance.

Report of County Attorney:

The County Attorney provided an update on the process involved to trademark the County seal and explained that the County shield has been in the public domain for some time.

The County Attorney also requested and received approval from the Board to place on the County's website information regarding an Order of Notice and Request for Comment regarding Birchwood Power Plant's proposal to add on to its facility.

Action Items:

12-20—King George County School Board Request for Supplemental Appropriation of Funds

Mr. David explained that the Board's December 5th meeting, the Superintendent of the King George County Public Schools presented a supplemental appropriation request from the School Board for the Instruction and Technology Category of its FY2007 Operating Budget in the amount of \$63,856. These funds would be expended to hire additional special education staff and for special education services for a new student.

Following this presentation and discussion by the Board of Supervisors, the Board deferred this matter until its meeting on December 19th. This action was taken to allow time for the draft FY2006 Comprehensive Annual Financial Report (CAFR) to be distributed to the Board of Supervisors in order to determine the amount the unexpended balance of the Board's local appropriation to the School Board. The Acting Director of Finance received an e-mail from the County's auditing firm concerning the amount of the unexpended funds for FY2006. The amount is \$53,943.

On a motion by Mr. Grzeika, seconded by Mr. Brooks, and carried unanimously, each member voting as follows: Mr. Wolfe Aye; Mr. Sisson Aye; Mr. Brooks Aye; Mr. Grzeika Aye; and Mr. Howard Aye, the King George County Board of Supervisors authorized the transfer of \$63,856 from Contingency to the King George County School Board with the understanding that \$53,943 in unexpended funds from the FY05-06 budget would be transferred to Contingency to offset the approved amount.

12-21—Consideration of Zoning Ordinance Text Amendment

Mr. Green explained that Mr. Jim Trotter, Marketing Director for Revere Gas & Appliance had recently contacted the Department of Community Development with a request to establish a “Propane Bulk Storage” facility within the County. In review of the County Zoning Ordinance, the Department Staff determined that the use is not currently listed within the King George County Zoning Ordinance and therefore, per Section 1.5, Purpose of regulations, King George County Zoning Ordinance, the use is not a permitted use. In order to allow the use “Propane Bulk Storage” a Zoning Ordinance Text Amendment is required.

Mr. Green further explained that staff recommends amending the Section 2.11.4, Uses Permitted by Special Exception within the Industrial Light Zoning District to allow “Propane Bulk Storage”. Allowing the use by Special Exception would provide the opportunity to review both location and safety issues in considering an application for the creation of a bulk storage facility within the County. He also stated that Staff has added a definition for “propane, bulk storage” based on information provided through the National Fire Protection Association.

On a motion by Mr. Sisson, seconded by Mr. Howard, and carried unanimously, each member voting as follows: Mr. Wolfe Aye; Mr. Sisson Aye; Mr. Brooks Aye; Mr. Grzeika Aye; and Mr. Howard Aye, the King George County Board of Supervisors forwarded the text amendment on propane bulk storage to the King George County Planning Commission for public hearing and directed the Planning Commission to bring a recommendation back to the Board within 100 days.

12-22—Preliminary Subdivision Plat for Founder’s Hill

Mr. Green explained that, at its December 12, 2006, meeting the King George County Planning Commission heard the request by Gary M. Nuckols, Attorney, for a finding that the Board of Supervisors approval of the Founder’s Hill Preliminary Plat vested that Plat from meeting the requirements of the King George County Subdivision Ordinance. After hearing all of the information presented by the Department Staff and Mr. Nuckols, the Commission voted unanimously (6-0) to forward the request to the Board of Supervisors with a recommendation that the finding of vesting be denied.

Mr. Green explained that vesting occurs when the owner of a structure, land, use of land, or project plan incurs significant expenses as a result of good faith reliance upon a significant governmental act. According to the Code of Virginia, vesting can occur after preliminary plat approval, if the owner relies on that approval in good faith and incurs significant expenses as a result.

Mr. Green provided a detailed synopsis of events surrounding the approval of the Preliminary Plat for Founders Hill beginning with July 26, 2005 when the preliminary plat was first submitted to the Community Development office.

Mr. Green, as the Subdivision Agent, determined that the Final Plat must conform to the requirements of the King George County Subdivision Ordinance based on the following information:

- The construction plans for the project were submitted prior to approval of the Preliminary Plat. Therefore, the owner did not rely on approval of the preliminary plat in submitting the construction plans.
- No amendments of the King George County Subdivision Ordinance have occurred nor has any change in interpretation of the Subdivision Ordinance occurred since the approval of the Preliminary Plat.
- The Board's approval of the Preliminary Plat is based in part upon the engineer of record's assertion that the Plat met all of the requirements of the King George County Subdivision Ordinance. The open space area provided on the Plat met the minimum area requirement as provided by the King George County Zoning Ordinance. However, the engineer of record failed to demonstrate on the Plat or within the supporting documentation that the Open Space area met the definition of Open Space as contained in the King George County Subdivision Ordinance.
- The engineer of record for the project has provided a note on the Final Plat which states that to the best of his knowledge the Final Plat meets the requirements of the King George County Subdivision Ordinance. The Department, following the requirements of the King George County Subdivision Ordinance, has requested that the engineer verify the above referenced statement.
- Section 3.7, King George County Subdivision Ordinance, provides that Preliminary Plat approval does not guarantee Final Plat approval.
- Construction Plans for this project have not been approved by the King George County Service Authority, the Virginia Department of Health, or the Virginia Department of Transportation. The Department of Community Development has not approved the Erosion and Sediment Control Plan for the development of the Subdivision. The Department of Community Development has not receive confirmation of the wetlands delineation conducted on the property or a permit which would allow any impacts to the wetlands contained on the property.
- All other residential cluster subdivisions approved in the County have met the requirements of the King George County Subdivision Ordinance, including compliance with the definition of Open Space as contained in the King George County Subdivision Ordinance.

Mr. Green therefore recommended that the applicant's claim of vested rights be denied based on the following:

1. No amendment or change to the Subdivision Ordinance has occurred subsequent to the filing of the Founder's Hill Subdivision Preliminary Plat.
2. No new interpretation of the Subdivision Ordinance has occurred subsequent to the filing of the Founder's Hill Subdivision Preliminary Plat.

3. Approval of the Founders Hill Subdivision Preliminary Plat is based in part on the engineer's representation that the Plat met all of the requirements of the King George County Subdivision Ordinance.
4. Section 3.7, King George County Subdivision Ordinance, provides that Preliminary Plat approval does not guarantee Final Plat approval.
5. The applicant has not obtained any other approval related to the development of the Subdivision.
6. The preliminary plat was obtained based upon an inaccurate representation of open space by the developer.
7. The developer has not incurred significant expenses in good faith reliance on the preliminary plat approval.

Mr. Nuckols, representing Somerset Homes and Hunter's Ridge, LLC, the owner of the project, spoke in support of his client's request that the Board confirm that approval of the Founder's Hill Preliminary Plat (Tax Map 24B (4), Parcel 13; Tax Map 24, Parcel 42, 46B) vested that Plat from meeting the requirements of the King George County Subdivision Ordinance and cited what he felt were inconsistencies in the interpretation of the Subdivision Ordinance dealing with the issue of open space requirements depicted on the preliminary plat and that open space requirements in the Subdivision Ordinance were changed after his client's preliminary plat was approved.

On a motion by Mr. Sisson, seconded by Mr. Grzeika, and carried unanimously, each member voting as follows: Mr. Wolfe Aye; Mr. Sisson Aye; Mr. Brooks Aye; Mr. Grzeika Aye; and Mr. Howard Aye, the King George County Board of Supervisors denied the request by Gary M. Nuckols, Attorney, for a finding that the Board of Supervisors' approval of the Founder's Hill Preliminary Plat (Tax Map 24B (4), Parcel 13; Tax Map 24, Parcel 42, 46B) vested that Plat from meeting the requirements of the King George County Subdivision Ordinance.

12-23—Consideration of Special Exception Permit Case No. 06-07-E08, Request by Mid-Atlantic Materials

Mr. Green provided a staff report stating that at its November 28, 2006, meeting the Board of Supervisors held a public hearing on this request and voted to bring the request back to the Board's December 19, 2006, meeting.

Mid Atlantic Materials acting as applicant for the property owners, Richard and Sara DeBernard have requested a Special Exception Permit to extract sand and gravel from Tax Map 22, Parcel 58A. Mid Atlantic Materials currently extracts sand and gravel from the adjoining property (Tax Map 22, Parcel 50) under Special Exception Permits 95-09-E13 and 95-09-E-14. Approval of this application allows Mid Atlantic Materials the ability to mine the area in which the "buffer" is currently located on Tax Map 22, Parcel 50.

On October 10, 2006, the King George County Planning Commission held a public hearing on this request, Special Exception Permit 06-07-E08. After the public hearing, the Planning Commission took action to forward the request to the King George County Board of Supervisors with a recommendation that Board approve the request with the conditions contained in the draft Special Exception Permit.

On a motion by Mr. Grzeika, seconded by Mr. Sisson, and carried by a 4-1 vote, each member voting as follows: Mr. Wolfe Aye; Mr. Sisson Aye; Mr. Brooks Aye; Mr. Grzeika Aye; and Mr. Howard Nay, the King George County Board of Supervisors denied Special Exception Permit Application Case Number 06-07-E08

12-24—Authorize Issuance of Request for Proposals for Design of County Website

Mrs. O’Quinn, Deputy County Administrator explained that on November 7, 2006, the Board of Supervisors received a draft RFP for re-design services for the County’s Internet website. During the presentation of this item, Mr. Howard raised several items of concern pertinent to the scope of work and procurement language. Additionally Mr. Sisson requested staff provide an estimate of maintenance costs when the RFP was re-presented.

Mrs. O’Quinn presented a revised RFP which addressed the content items raised by Board Member Jim Howard and further stated that the revised document has also been reviewed and approved by the County Attorney. With respect to Board Member Sisson’s question, the County’s IT Supervisor, Sandy Freeman, was consulted on the estimated cost for maintenance. Based on the scope of work and anticipated website design, Mrs. Freeman predicts a cost of \$5,000 or less in maintenance per year. As stated in the revised RFP, the County reserves the option to contract for maintenance services.

On a motion by Mr. Sisson, seconded by Mr. Howard, and carried unanimously, each member voting as follows: Mr. Wolfe Aye; Mr. Sisson Aye; Mr. Brooks Aye; Mr. Grzeika Aye; and Mr. Howard Aye, the King George County Board of Supervisors authorized the issuance of the revised RFP for design of the County’s website as presented.

12-25—Authorization to Proceed with NACo Prescription Discount Card Program

Mrs. O’Quinn provided details to the Board regarding the National Association of Counties (NACo) Prescription Discount Card Program. NACo has contracted with Caremark, Inc. (CaremarkPCS Health, L.P.) to provide a prescription drug discount card for member counties to offer to their uninsured and underinsured residents. NACo has recognized an opportunity to help member counties, for a minimal investment, to assist county residents save money on prescriptions as a consequence of the rising cost of prescription drugs coupled with the growing underinsured populous. According to Dr. Stephen Horan, President of the Community Health Resource Center, King George County has 13% or 2,533 uninsured residents, including an estimated 1,161 below 200 percent of the federal poverty level. The uninsured rate of approximately 13% is comparable to the statewide rate of 13% and the statewide median of 14%. These statistics are based on the County population in 2005 or 19,543 residents.

Mrs. O’Quinn further explained that the County is required to enter into a contract with NACo to initiate this program. The estimated start-up time once a contract is received by NACo is approximately eight (8) to ten (10) weeks. Mrs. O’Quinn felt it important to convey that this is not an insurance program and that savings are only available through participating pharmacies.

On a motion by Mr. Brooks, seconded by Mr. Howard, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. Brooks Aye; Mr. Grzeika Aye; Mr. Howard Aye; and Mr. Wolfe Aye, the King George County Board of Supervisors authorized the County Administrator to proceed with doing those things necessary to implement and market the NACo

Prescription Drug Discount Card Program for King George County subject to the review and approval as to form of the required contract.

12-26—Proposed Golf Cart Ordinance for Fairview Beach Community

Mr. David provided an update on the proposed golf cart ordinance based on discussion at the Board's November 7th meeting. At that meeting the Board further amended the language of the proposed ordinance to strike the reference to utility vehicles and added a civil penalty of \$150. The Board then directed the County Attorney and the County Administrator to research and report on certain matters relating to the proposed ordinance. The research resulted in certain amendments to the ordinance as discussed below:

- *Determine which other localities in the State have adopted ordinances regulating the use of golf carts on public roadways.*
It has been determined that the Cities of Hampton, Norfolk, and Virginia Beach, the Towns of Cape Charles, Colonial Beach, and Tangier, and the Counties of Westmoreland and Gloucester have adopted such ordinances.
- *Resolve whether individuals are eligible to self-insure golf carts for liability and property damage under the State's enabling statutes rather than securing commercial liability and property coverage.*
Since golf carts are not considered to be vehicles the ability to self-insure is not permitted. Accordingly, this language has been deleted from the proposed ordinance.
- *Provide copies of the studies or information to be considered by the Board of Supervisors prior to adopting the ordinance as required under the State enabling statute. These studies or information address the speed, volume, and character of motor vehicle traffic using the requested public roadways and whether operation of golf carts on the requested public roadways are compatible with State and Local transportation plans and such operation is consistent with the Commonwealth's Statewide Pedestrian Policy provided for in § 33.1-23.03:001.*
Copies of studies were provided to the Board along with a copy of the applicable State Code Section. This information was contained in the previous submission of the Fairview Beach Residents Association which was also provided to the Board.
- *Prepare a Sign Maintenance Agreement to address and assign the Homeowners Associations' responsibilities to fund and manage the fabrication, installation, and maintenance of the required signage.*
A Maintenance Agreement was prepared and incorporated into the proposed ordinance. The Agreement also addresses and assigns responsibilities to the Homeowners' Association for the inspection and licensing requirements of the ordinance.
- *Prepare an Application for Homeowners' Associations to be completed prior to staff processing requests for the Board of Supervisors to consider inclusion of certain public roads under the ordinance. This application would also require that staff provide an estimate of the cost to process the request and that the Homeowners' Association would deposit an amount based on the estimate prior to staff processing the application. These costs would include staff time, needed studies or analyses, and public hearing advertisements.*
A copy of the draft application was provided to the Board.

- *Obtain a copy of the Town of Colonial Beach's golf cart ordinance.*
A copy of the Colonial Beach Ordinance was provided.

There was considerable discussion among the Board members and the County Attorney regarding the specific reference to Fairview Beach streets in the proposed ordinance, the involvement of the Sheriff's Department regarding enforcement of such regulations, procedural issues regarding the application process, etc.

On a motion by Mr. Howard, seconded by Mr. Brooks, and carried by a vote of 3-2, each member voting as follows: Mr. Brooks Aye; Mr. Howard Aye; Mr. Sisson Aye; Mr. Grzeika Nay and Mr. Wolfe Nay, the King George County Board of Supervisors authorized re-advertising for public hearing on January 16, 2007, a proposed golf cart ordinance for the use of golf carts and highway and streets and deleted the reference to Fairview Beach Subdivision on page 9 of the draft ordinance presented.

12-27—Sealston Park Conceptual Plan Phase I

Mr. David explained that at its meeting on October 3rd, staff presented a conceptual plan for Phase I Sealston Park. After discussion by the Board of Supervisors, staff was directed to assess the plan to determine whether any alternative designs may be available to provide multi-use fields as well as to achieve some type of cost savings. The results of this assessment were presented to the Board of Supervisors at its meeting on October 17th.

Mr. Sisson included this matter during a recent meeting with the Rappahannock Area YMCA's Executive Director. The discussion from the meeting indicated that the YMCA would prefer having its athletic fields co-located with its facility at this point in time, but that a joint use facility may be possible in the future.

Subsequently, Mr. Howard prepared a modification of the conceptual plan to maximize the available space, including additional athletic fields. There was considerable discussion regarding parking requirements for additional fields.

The consensus of the Board was to bring this issue back for discussion at the January 16, 2007 meeting addressing the issues raised by the Board, including phasing of the project and parking requirements for these types of multi- field facilities.

12-28—Third Quarter Appropriation for FY06-07

On a motion by Mr. Grzeika, seconded by Mr. Howard, and carried unanimously, each member voting as follows: Mr. Wolfe Aye; Mr. Sisson Aye; Mr. Brooks Aye; Mr. Grzeika Aye; and Mr. Howard Aye, the King George County Board of Supervisors approved and appropriated the 3rd quarter appropriations as presented.

12-29— Approval of Warrant to the Journal Press, Inc.

On a motion by Mr. Sisson, seconded by Mr. Howard, and carried by 4-0-1 vote, each member voting as follows: Mr. Sisson Aye; Mr. Brooks Aye; Mr. Grzeika Aye; and Mr. Howard Aye, the King George County Board of Supervisors authorized the issuance of warrant number 1108722 to the Journal Press, Inc., against the FY06-07 General Fund in the total amount of \$1,211.00. Prior to the vote, Mr. Wolfe disqualified himself on the basis of family interest.

12-30— Authorize Expenditures from the FY06-07 Capital Improvements Fund

On a motion by Mr. Sisson, seconded by Mr. Howard, and carried unanimously, each member voting as follows: Mr. Wolfe Aye; Mr. Sisson Aye; Mr. Brooks Aye; Mr. Grzeika Aye; and Mr. Howard Aye, the King George County Board of Supervisors authorized warrants against the FY06-07 Capital Improvements Fund budget in the total amount of \$405,353.67, as specified.

Discussion Items:

12-31—Proposed Business Visitation Program

Mrs. O’Quinn explained that over the last few months, she and the County Administrator have been working with the Economic Development Authority to develop an Economic Development Plan for King George County and strategies to support such. One of the key strategies that has been identified is the need to concentrate on retaining our local businesses and encouraging local business expansion. Therefore, the EDA, the County Administrator and the Deputy County Administrator recommended the County establish a Business Visitation Program, a program which is also endorsed by the Virginia Economic Development Partnership (VEDP).

Mrs. O’Quinn explained that the purpose of a visitation program is to garner concise, accurate, and up-to-date information about the views and needs of existing County businesses and discussed steps recommended to the EDA in crafting such a business visitation program.

The EDA has expressed its hope that the Board of Supervisors will embrace the concept of a Business Visitation Program and the fact that economic growth and prosperity is driven by a partnership between the County and the business community.

The Deputy County Administrator updated the Board of Supervisors of action taken by the EDA at its meeting on December 14, 2006 including the anticipated implementation date of the Business Visitation Program.

Mr. Grzeika expressed his support of this concept and spoke of the importance of retaining current businesses within the County and visiting with those businesses to learn of their concerns and needs. He also reviewed the questionnaire and will provide his comments to Mrs. O’Quinn. Mr. Grzeika also recommended that this information regarding this program be presented to the King George Chamber of Commerce as well.

Mrs. O’Quinn, in response to questions from the Board, assured the Board members that businesses would be contacted in advance prior to a visit by EDA and County staff representatives.

On a motion by Mr. Sisson, seconded by Mr. Grzeika, and carried unanimously, each member voting as follows: Mr. Wolfe Aye; Mr. Sisson Aye; Mr. Brooks Aye; Mr. Grzeika Aye; and Mr. Howard Aye, the King George County Board of Supervisors endorsed the establishment of the Economic Development Authority’s Business Visitation Program and authorized the County Administrator to do those things necessary to begin this program.

12-32—Proposed Worker’s Compensation Coverage for the Board of Supervisors

In working with VACo over the last few months to enable on-line worker's compensation claims filing, to ensure our OSHA-300 log and OSHA 300-A are completed as required by law, and to review the County's Panel of Physicians which has not been updated for several years, the Deputy County Administrator discovered that the Board of Supervisors is not insured under VACO for Workers' Compensation coverage and to the best of staff's knowledge this matter has never been brought to the Board's attention.

Benefits would only extend to work related accidents within the scope of the elected official's duties. Benefits may include wage replacement at sixty-six and two-thirds (66 2/3), death benefits and medical coverage for an injury by accident or an occupational disease arising from or caused by work. VACO has conveyed that the total premium to insure the Board of Supervisors is \$40.00 per year or \$16 per \$10,000 in salary. If the governing body is interested in obtaining coverage, they must do so by resolution

Similarly, any board for an independent political subdivision (e.g. Economic Development Authority) must be compensated in order to be eligible for worker's compensation and a resolution adopted by the respective board authorizing coverage. If the governing body is interested in obtaining coverage, they must do so by resolution.

Mr. Grzeika requested that the Economic Development Authority be made aware of this coverage at its next meeting.

On a motion by Mr. Sisson, seconded by Mr. Howard, and carried unanimously, each member voting as follows: Mr. Wolfe Aye; Mr. Sisson Aye; Mr. Brooks Aye; Mr. Grzeika Aye; and Mr. Howard Aye, the King George County Board of Supervisors adopted the following resolution:

WHEREAS, it has been determined that members of the King George County Board of Supervisors are not included as employees for the purpose of the Workers' Compensation Act of the Commonwealth of Virginia; and

WHEREAS, members of the King George County Board of Supervisors are entitled to such coverage;

NOW, THEREFORE, BE IT RESOLVED, that the members of the King George County Board of Supervisors are hereby authorized to be included as employees for the purpose of the Workers' Compensation Act of the Commonwealth of Virginia and entitled to all coverage provided under said Act.

12-33—Establishment of Date for January 2007 Organizational Meeting

On a motion by Mr. Grzeika, seconded by Mr. Howard, and carried unanimously, each member voting as follows: Mr. Wolfe Aye; Mr. Sisson Aye; Mr. Brooks Aye; Mr. Grzeika Aye; and Mr. Howard Aye, the King George County Board of Supervisors authorized advertising the Board of Supervisors' organizational meeting for Thursday, January 4, 2007, beginning at 6:30 p.m.

County Administrator's Report:

12-34—Draft Comprehensive Annual Financial Report (CAFR) for FY06

Mr. David provided, under separate cover, the Draft Comprehensive Annual Financial Report (CAFR) for FY 06. The County's auditor will be scheduled to present the final CAFR to the Board of Supervisors at an upcoming meeting in January.

12-35—Draft VDOT FY2008-2013 Secondary Six Year Plan

Mr. David informed the Board that the Fredericksburg Residency Administrator, Jorg Huckabee-Mayfield, has submitted information regarding amendments to the proposed Secondary System Construction Program and prepared a table on the proposed allocations for the Board's priority projects based on current State funding numbers.

Mr. David recommended that the Board of Supervisors schedule a work session with the Residency Administrator in early January to consider the draft FY2008-2013 Six Year Secondary System Construction Program. Following the work session, the Board would advertise the proposed plan for a public hearing followed by the Board action to adopt the plan.

The consensus of the Board was to discuss this issue at the organizational meeting of the Board on January 4th and schedule a work session at that time.

Courthouse Reconstruction Project:

Regarding the Courthouse Reconstruction Project, Mr. David informed the Board that only one bid had been received for this project, that bid being from Howard Shockey and Sons and that staff is proceeding with contract negotiations. A progress report will be provided at the January 4th, 2007 Board meeting.

Closed Session:

On a motion by Mr. Sisson, seconded by Mr. Howard, and carried unanimously, each member voting as follows: Mr. Wolfe Aye; Mr. Sisson Aye; Mr. Brooks Aye; Mr. Grzeika Aye; and Mr. Howard Aye, the King George County Board of Supervisors went into closed session pursuant to State Code Section 2.2-3711(A)5 for the purpose of discussing a prospective business or industry where no previous announcement has been made of the business' or industry's interest in locating its facilities in the community and State Code Section 2.2-3711(A)7 State Code for the purpose of consulting with legal counsel and briefings by staff members or consultants pertaining to probable litigation, where such consultation or briefing in open session would adversely affect the negotiating or litigating posture of the public body regarding pending litigation regarding the proposed Miller suit and invited the County Administrator, Deputy County Administrator, Community Development Director and County Attorney.

On a motion by Mr. Sisson, seconded by Mr. Howard, and carried unanimously, each member voting as follows: Mr. Wolfe Aye; Mr. Sisson Aye; Mr. Brooks Aye; Mr. Grzeika Aye; and Mr. Howard Aye, the King George County Board of Supervisors returned to public session and certified that only public business matters lawfully exempt from open meeting requirements by Virginia law, and only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered.

There being no further business to come before the Board, the Chairman adjourned the meeting on a motion by Mr. Grzeika, seconded by Mr. Howard, and carried unanimously.